

**109 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 6066 of 2023

Date of decision : April 25, 2023

Pushwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. J. P. S. Sidhu, Advocate
for the petitioner.

Mr. Aman Dhir, DAG., Punjab.

PANKAJ JAIN, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus directing the respondents to appoint the petitioner on the post of Constable against the post advertised vide advertisement dated 11.09.2010 (Annexure P-1).

2. The Respondents vide public notice dated 11.09.2010 invited applications for filling 5578 posts of male Constables in the State of Punjab in District Police Cadre. The petitioner applied in general category. The selection was to be carried out simultaneously in all districts and each district recruitment was to effect recruitment for the number of posts as reflected in the public notice against that district.

3. Petitioner in the present writ petition submits that respondent No.4 belong to District of Sri Muktsar Sahib and is a candidate of reserved SC(M&B) category has been appointed in District Bathinda against SC (M&B) category as no post of SC(M&B) category was vacant in District Muktsar Sahib and he got marks lower than that secured by the petitioner. The petitioner secured 28 marks whereas respondent No.4 secured only 26 marks.

4. Learned counsel for the petitioner submits that appointment of respondent No.4 is beyond the public notice and some posts are still lying vacant. Resultantly, the petitioner ought to have been appointed against the said vacant posts.

5. I have heard learned counsel for the parties and have gone through record of the case.

6. Admittedly, the petitioner belongs to general category whereas respondent No.4 belongs to reserved category. Therefore, the parity being claimed by the petitioner is misconceived. In order to appreciate the argument raised by the learned counsel for the petitioner, it will be apt to peruse the relevant note of the public notice which reads as under:-

“Candidates selected through this process can be posted in any unit of Punjab Police. Each District Recruitment Board will be effecting recruitment for the number of posts as reflected in this advertisement against that district. The test for selection will be carried out simultaneously in all districts.”

7. In view of the above the mandate of the notice is that each District

public notice against that district. However, at the same time candidates selected through the process can be posted in any unit of Punjab Police. Resultantly, the argument raised with respect to there being discrepancy or any infirmity in the appointment of respondent No.4 is also without merit and is thus, rejected.

8. So far as the claim of the petitioner for appointment viz-a-viz vacant posts is concerned, counsel for the petitioner has not been able to show any right vested in the petitioner to claim such appointment especially in the absence of any allegation that a person junior to the petitioner in the merit list in the general category has been appointed.

9. In view of the above, there is no merit in the present writ petition. The same is accordingly dismissed.

(PANKAJ JAIN)
JUDGE

April 25, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No